

BILLY J. WILLIAMS, OSB #901366  
United States Attorney  
District of Oregon  
**ETHAN D. KNIGHT, OSB #992984**  
**GEOFFREY A. BARROW**  
**CRAIG J. GABRIEL, OSB #012571**  
Assistant United States Attorneys  
[ethan.knight@usdoj.gov](mailto:ethan.knight@usdoj.gov)  
[geoffrey.barrow@usdoj.gov](mailto:geoffrey.barrow@usdoj.gov)  
[craig.gabriel@usdoj.gov](mailto:craig.gabriel@usdoj.gov)  
1000 SW Third Ave., Suite 600  
Portland, OR 97204-2902  
Telephone: (503) 727-1000  
Attorneys for United States of America

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:16-CR-00051-BR**

**v.**

**AMMON BUNDY,  
RYAN BUNDY,  
SHAWNA COX,  
PETER SANTILLI,  
DAVID LEE FRY,  
JEFF WAYNE BANTA,  
KENNETH MEDENBACH, and  
NEIL WAMPLER,**

**MOTION TO PROVIDE VIDEO  
TELECONFERENCING FOR  
CRIME VICTIMS**

**Defendants.**

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and Ethan D. Knight, Geoffrey A. Barrow, and Craig J. Gabriel, Assistant United States Attorneys, moves the Court for an order providing video conferencing (“VTC”)

of the public court proceeding beginning September 7, 2016, to ensure crime victims access to the proceedings.

The government has conferred with Per Olson, counsel for defendant David Fry, who advises that the defendants who have responded do not object to the government's motion. Others may object.

The Crime Victims' Rights Act ("CVRA") accords crime victims certain rights to ensure their participation in the criminal justice system. *See United States v. Moussaoui*, 483 F.3d 220, 234 (4th Cir. 2007) ("The CVRA was designed to protect victims and guarantee them some involvement in the criminal justice process."); *Kenna v. United States Dist. Court for C.D. of California*, 435 F.3d 1011, 1016 (9th Cir. 2006) ("The statute was enacted to make crime victims full participants in the criminal justice system."). These rights include "[t]he right not to be excluded from any such public court proceeding" with a limited exception only applicable to testifying crime victims. 18 U.S.C. § 3771(a)(3) (2012). To give effect to this and other rights, the CVRA also contains enforcement provisions. One such provision applies where, as here, the crime victims in a given case are so numerous that it is impracticable to accord them all their rights under the CVRA. In that situation, "the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings." *Id.* § 3771(d)(2).

Although the Ninth Circuit and its lower courts have yet to consider § 3771(d)(2), at least one court has concluded that closed-circuit television broadcasting is a reasonable procedure available to the court. *See United States v. Okun*, No. 3:08cr132, 2009 WL 790042, at \*3 (E.D. Va. Mar. 24, 2009) ("assuming that the Court had some notice than an unmanageable number of victims intended to attend the trial, an appropriate procedure might be to, e.g., arrange for a

closed-circuit television broadcast of the trial . . .”). Here, VTC is also a reasonable procedure. This proceeding’s attendant safety concerns, traveling distances for the crime victims, the number of victims in this case, and the limited number of seats in the courtroom, all limit access to the courtroom. Providing VTC access will remedy these concerns.

While the CVRA does not grant the affirmative right to attend trial, failing to provide an alternative means of viewing the trial will in effect exclude the crime victims from the trial in violation of the CVRA. Accordingly, the Court should grant this motion and provide VTC for the crime victims in this case.

Dated this 19th day of August 2016.

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney

*s/ Ethan D. Knight*  
ETHAN D. KNIGHT, OSB #992984  
GEOFFREY A. BARROW  
CRAIG J. GABRIEL, OSB #012571  
Assistant United States Attorneys